

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MAIGA HRALIMA,

Plaintiff,

vs.

JEROME POLAHA,

Defendants.

3:11-cv-00382-LRH-RAM

**ORDER**

Maiga Hralima, a prisoner at the Northern Nevada Correctional Center, submitted a *pro se* Section 1983 Civil Rights Complaint (received May 31, 2011) (ECF No. 1-1). Plaintiff did not submit the required filing fee or an application for leave to proceed in *forma pauperis*.

The matter shall be dismissed without prejudice. Plaintiff may pursue his claims in another action if he desires by submitting the proper application for *in forma pauperis* status or by paying the \$350 filing fee along with his civil rights complaint. The plaintiff is advised, however, that the claims presented in his complaint, which attack the validity of his conviction, should properly be brought in a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). (“When a state prisoner seeks damages in a §1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence, if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.”)

**IT IS THEREFORE ORDERED** that the Clerk shall send to plaintiff the proper form and instructions for an application to proceed *in forma pauperis*. The Clerk shall also return a copy of the

1 civil rights complaint to plaintiff.

2 **IT IS FURTHER ORDERED** that this matter is **DISMISSED** without prejudice. The  
3 Clerk shall enter judgment accordingly.

4 Dated this 6th day of June, 2011.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE